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6	Counsel for the United States			
7	UNITED STATES DISTRICT COURT			
8	DISTRICT OF NEVADA			
	-oOc	<b>)-</b>		
9	UNITED STATES OF AMERICA,	Case No. 2:16 CR 350 KJD-NJK		
10	)	Stipulation Pursuant to 18 USC §		
11		4241(d) for the Placement of the		
12	$\mathbf{v}$	Defendant in a facility		
1,2	MIRKO ZEPPELLINI,			
13	$\left\  \begin{array}{c} \mathbf{B} & \mathbf{B} \\ \mathbf{D} \end{array} \right\ $			
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15		ED AND AGREED, by and between		
16	STEVEN W. MYHRE, Acting United State	es Attorney, and KILBY MACFADDEN,		
	Assistant United States Attorney, counsel	Assistant United States Attorney, counsel for the United States of America, and		
17				
18	BRIAN PUGH, counsel for Defendant MIRKO ZEPELLINI that the Court should			
19	commit Defendant to the custody to the Attorney General under 18 U.S.C. §			
20	) 4241(d)(1).			
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		ne following reasons:		
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- 1. On February 17, 2017, the Court ordered a mental competency evaluation for the Defendant pursuant to 18 U.S.C. §§ 4241 and 4242. ECF No. 23.
- Cynthia A. Low, Ph.D, evaluated Defendant at the Federal Detention
   Center, SeaTac, Washington and issued an April 28, 2017 Forensic
   Evaluation that opined that Defendant is incompetent to stand trial.
- 3. On May 8, 2017, the Court held a hearing regarding the Defendant's competency. The Court made statements and heard the representations of counsel as to the April 28, 2017 Forensic Evaluation and Defendant's competency to stand trial in this case.
- 4. During the hearing, the Court found by a preponderance of the evidence that the Defendant is incompetent to stand trial. The parties are in agreement that that the preponderance of the evidence standard was met, and that Defendant is "presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense" 18 U.S.C. § 4241(d).
- 5. Under 18 U.S.C. § 4241(d)(1), the parties stipulate that the Court shall commit Defendant to the custody of the Attorney General for such a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial probability that in the

foreseeable future he will attain the capacity to permit the proceedings 1 2 to go forward. 3 DATED this 10th day of May, 2017. 4 Respectfully submitted, 5 STEVEN W. MYHRE United Acting States Attorney 6 7 //s// Brian Pugh //s// Kilby Macfadden BRIAN PUGH KILBY MACFADDEN 8 Assistant United States Attorney Counsel for Defendant MIRKO ZEPPELLINI 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24

1	UNITED STATES DISTRICT COURT DISTRICT OF NEVADA		
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3	$\left\ \begin{array}{c} \text{UNITED STATES OF AMERICA,} \\ \end{array}\right\ $	Case No.: 2:16-cr-0350-KJD-NJK	
4	Plaintiff,	<u>ORDER</u>	
5	$\left  \begin{array}{c} \cdot \\ \cdot \end{array} \right $ vs.		
6	MIRKO ZEPPELLINI,		
7	Defendant. $)$		
8			
9	Based on the Stipulation filed by the Government and the Defendant, to		
10	have Defendant, MIRKO ZEPPELLINI, committed to the custody of the Attorney		
11	General, and for good cause appearing, the Court hereby finds by a preponderance		
12	of the evidence that the defendant is presently suffering from a mental disease or		
13	defect rendering him mentally incompetent to the extent that he is unable to assist		
14	properly in his defense.		
15	IT IS THEREFORE ORDERED THAT, pursuant to Title 18, United		
16	States Code, Section 4241(d), defendant is committed to the custody of the Attorney		
17	General for such a reasonable period of time, not to exceed four months, as is		
18	necessary to determine whether there is a substantial probability that in the		
19	foreseeable future he will attain the capacity to permit the proceedings to go		
20	former and	is hearing is set for September 28, at 10:00 a.m., in Courtroom 3D.	
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22			
23	THE HONORABLE NANCY J. KOPPE		
24	UNITED STATES MAGISTRATE JUDGE		